

## Remarks

### I. Status of the Claims

Following entry of the amendment, claims 1 and 4-33 are pending. Claims 2 and 3 have been cancelled. Claims 1 and 22 are amended herein. Support for the amendment to claim 1 may be found throughout the specification as filed, and particularly at the sixth full paragraph beginning on page 3. Support for the amendment to claim 22 may be found throughout the specification as filed, and particularly at the final paragraph beginning on page 3.

New claims 34 and 35 are added herein. Support for the addition of these claims is found throughout the specification and particularly in the sixth paragraph beginning on page 3.

Entry and reconsideration of the new and amended claims are requested.

### II. Claim Rejections - 35 U.S.C. § 102

Claims 1 and 29 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by International Patent Application Publication No. WO02/057772, to Moreton (the "772 publication"). Applicant respectfully disagrees. For a reference to anticipate a claim, that reference must teach or suggest all of the limitations of the claim.

The 772 publication does not teach or suggest all of the limitations of claim 1. Claim 1 requires that the desiccant be "essentially copper free, or when copper is present it is in an amount which is less than 0.002% by weight with respect to the anhydrous silica-based material." The 772 publication does not teach a copper-free desiccant. The 772 publication does not teach a desiccant that includes less than 0.002% by weight of copper.

To the contrary, the desiccants of the 772 publication require copper in significant amounts. The 772 publication both tolerates and encourages copper amounts up to 0.5 percent by weight relative to the weight of the silica-based material. (772 publication, page 3, lines 25-

27). A copper amount of 0.5 percent is two hundred and fifty times greater than the maximum amount of copper contemplated by claim 1. Furthermore, claim 1 of this application contemplates a desiccant that contains essentially no copper at all. That is most certainly neither taught nor suggested by the '772 publication.

Claim 1 also requires that the desiccant indicate "humidity at a relative humidity below 20% by a color change." The '772 publication does not teach this limitation. Instead, the '772 publication requires a color change at a higher relative humidity of 20% to 30%. The '772 publication also reports that addition of bromine to copper increases the relative humidity at which the color change occurs. This further demonstrates that the '772 publication does not teach or suggest the limitations of claim 1. Therefore, the '772 publication fails to teach at least two of the limitations of claim 1. The '772 publication does not anticipate claim 1, and the rejection should be withdrawn.

Claim 29 depends from claim 1 and therefore includes all of its limitations. Because the '772 publication does not anticipate claim 1, it can not anticipate claim 29. The rejection under 35 U.S.C. § 102 should be withdrawn for both of those claims.

### III. Claim Rejections - 35 U.S.C. § 103

Claims 2-28 and 30-33 stand rejected under 35 U.S.C. § 103 as allegedly obvious over or, in the alternative, anticipated by, the '772 publication. Applicant disagrees. All of claims 2-28 and 30-33 depend directly or cognately from claim 1. Claim 1 is not anticipated by the '772 publication for the reasons given above. Because the '772 publication does not anticipate claim 1, it can not anticipate those claims that depend from claim 1. The anticipation rejection should be withdrawn.

Claims 2-28 and 30-33 are also not obvious in light of the '772 publication. For a claim to be obvious in light of a reference or combination of references, the reference or combination of references must teach or suggest all of the limitations of the claims. As already established in the discussion of the rejection under 35 U.S.C. § 102, the '772 publication does not teach or suggest all of the limitations of the claims. This failure of the '772 publication is not remedied by any of the arguments made in the office action. For this reason alone the rejection should be withdrawn and the claims allowed.

The obviousness rejection is also infirm because, as demonstrated in the attached Declaration of Stephen Moreton, Ph.D. (the inventor), the selection of iron salts gives rise to unexpected results. In particular, the combination of iron salts and bromine allows accurate indication of humidity below 20% relative humidity. This is clearly shown in the comparison of the controls with the inventive compositions in Tables 1-6 and Exhibits 1-6 of the Declaration.

Nothing in the '772 publication teaches or suggests that the combination of bromine and iron would be beneficial to the efficacy of an indicating desiccant at relative humidities below 20%. To the contrary, the '772 publication reports that decreasing the ratio of copper to bromine would increase the indicating relative humidity of the desiccant. Therefore, the '772 publication fails to teach or suggest multiple limitations of the claims. The rejection should be withdrawn and the claims allowed.

#### IV. Conclusion

All of the pending rejections have been overcome, accommodated, or rendered moot. Withdrawal of the rejections as well as reconsideration and allowance of all of the pending claims are requested. If the Examiner believes that a telephone call might resolve any outstanding issues in this application, he is encouraged to call the undersigned at the number below.

Respectfully submitted,

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/ Michael L. Dever /

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